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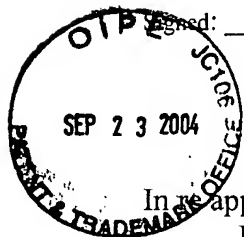
CERTIFICATE OF MAILING

I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 21st day of September, 2004.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: Wendy A. Frick



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kandel, et al.

) Examiner: Not yet assigned

Serial No.: 10/806,040

) Art Unit: 1653

Filed: March 22, 2004

For: **COMPOSITIONS AND METHODS
FOR IDENTIFYING GENES WHOSE
PRODUCTS MODULATE
BIOLOGICAL PROCESSES**

) Attorney Docket No.: 26473/04235

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith are the following:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. 5 References; and
4. A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this Information Disclosure Statement. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: September 21, 2004

By: Pamela A. Docherty

Pamela A. Docherty, Reg. No. 40,591
(216) 622-8416

Customer Number

24024

CERTIFICATE OF MAILING

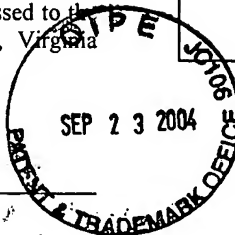
I hereby certify that this INFORMATION DISCLOSURE STATEMENT is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 21st day of September, 2004.

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Attorney Docket No.: 26473/04235

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P.O. Box 1450

Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This information disclosure statement is being filed before the mailing of a first Office Action on the merits. Applicants wish to disclose the following information:

REFERENCES

- ☒ The Applicants wish to make of record the references listed on the attached Form PTO-1449. copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☒ Listed on the attached PTO form 1449 is information known to persons substantively involved in the preparation of the application identified above, and is not a representation that more pertinent information does not exist.

- ☒ The identification of any information herein is not intended to be, and should not be understood as being, an admission that such information, in fact, constitutes "prior art" within the meaning of applicable law. The "prior art" status of any information is a matter to be resolved during prosecution.

CERTIFICATION

- ☒ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.
- ☒ This information disclosure statement is being filed within three months of the filing of the within application and/or **prior to a first Office Action** on the merits being allowed.

PETITION

- ☒ Applicants hereby request consideration of the attached information.

DEPOSIT ACCOUNT

- ☐ A check is attached in the amount of \$_____ required under 37 § 1.17(p).
- ☒ It is not believed that any fee is required relating to the filing of this information disclosure statement. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.

Respectfully submitted,

Date: September 21, 2004

By: Pamela A. Docherty
Pamela A. Docherty, Reg. No 40,591
(216) 622-8416

Subst. Form PTO-1449	Atty. Docket No.: 26473/04235	Serial No.: 10/806,040
APPLICANT'S INFORMATION DISCLOSURE STATEMENT		
	Applicant: Kandel, et al.	
	Filing Date: March 22, 2004	Group: 1653

U.S. PATENT DOCUMENTS

Initial*		Document No.	Date	Name	Class	Subcl.	Filing Date
	AA	6,361,972	March 26, 2002	Harrington, et al.			Jan. 10, 2000
	AB	2004/0162416	August 19, 2004	Harrington, et al.			Jan. 17, 2001

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subcl.	Translation?
	AC						
	AD						

OTHER PRIOR ART

	AE	International Search Report dated September 8, 2004.
	AF	"Identification of a human NF- κ B-activating protein, TAB3" by Jin, et al., <u>PNAS</u> , Vol. 101, No. 7, February 17, 2004, pp. 2028-2033.
	AG	"Creation of genome-wide expression libraries using random activation of gene expression" by Harrington, et al., <u>Nature Biotechnology</u> , Vol. 19, May 2001, pp. 440-445.
	AH	
	AI	
	AJ	
	AK	
	AL	
	AM	
	AN	
	AO	

Examiner:	Date Considered:
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*EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.